

REMARKS

Applicant thanks Examiner Strimbu for the considered Office Action of July 18, 2002. The present application has been carefully reviewed and entry of the present amendment is respectfully requested.

Drawings

Applicant submits proposed drawings with corrected shading in response to the drawing objections.

Objections*Abstract of the Disclosure*

In the amendment of January 25, 2002, the Abstract of the Disclosure was amended to recite:

An illuminating weatherseal can seal a gap between confronting surfaces and illuminate the adjacent environment. The illuminating weatherseal includes a light emitting line extending along a longitudinal dimension of the weatherseal, wherein the light is emitted from the light emitting line along a path non coincident with the longitudinal dimension. A switch can be incorporated into the illuminating weatherseal for selectively actuating the light emitting line.

Applicant believes each objection to the abstract, as set forth in the July 18, 2002 Office Action has been addressed. If, however, the Examiner believes any further revisions are necessary, applicant will work with the Examiner to implement such revisions.

Rejections under 35 U.S.C. §112

The recitation of "a first and second confronting surfaces" has been appropriately found awkward. The phrase has been amended to recite "a first confronting surface and a second confronting surface, the first and the second confronting surfaces moveable between ..." However, if the examiner believes further amendments are necessary to convey the dynamic structure of weatherseal, applicant will readily consider any suggestions.

With respect to Claims 13 and 20, these claims have been amended to address the asserted rejections.

Rejections under 35 U.S.C. §102

Claims 1-3, 6-9, 13-15, 17, 20-23, 42-44, 47-57, 60-63, 65-67 and 70-74

Claims 1-3, 6-9, 13-15, 17, 20-23, 42-44, 47-57, 60-63, 65-67 and 70-74 stand rejected under 35 U.S.C. §102(b) as being anticipated by German Patent Publication No. 198 41 180 (the '180 reference).

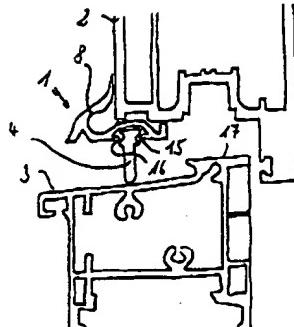
The '180 reference discloses a base profile 1 for the bottom of a building door 2. The '180 patent discloses the base profile 1 being formed of extruded aluminum or a "synthetic" for engaging the bottom of the building door. The base profile 1 is attached to the building door 2 by screws, and can accommodate a fiber optic cable 9 at recess 8.

The base profile 1 does not provide a seal between the confronting surfaces of the door 2 and the sill 3. A separate seal 4 (4' in Figure 3) is selectively engaged with the base profile 1 to contact and seal with the sill 3. The seal 4 (4') is a separate element and is preferably formed from EPDM.

ZEICHNUNGEN SEITE 1

Nummer:
Int. Cl.:
Oberflächenzugriff:

DE 200 41 569 A1
E 05 II 1/94
22. März 2000



Door 2 swings
open in to this
side

Fig. 1

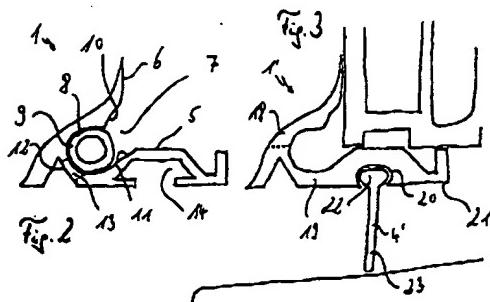


Fig. 2

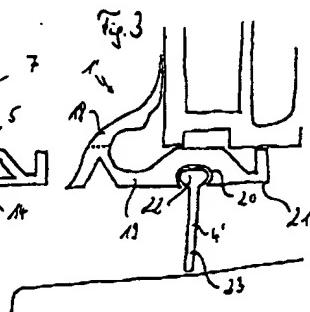


Fig. 3

001 01267

Applicant respectfully submits the claims as amended, distinguish the '180 reference and overcome a rejection under 35 U.S.C. §102.

A MONOLITHIC SEALING PORTION

Claims 1-9, 55-64 and 75 recite "the polymeric body including a monolithic sealing portion." The separate and independent finger seal 4 of the '180 reference is not monolithic with the base profile. In fact, it is believed the '180 reference discloses the finger 4 being separate to accommodate the express purpose of independently affixing the base profile 1 to the building door, such that an appropriately sized seal (4) can be subsequently inserted into the base profile after the base profile has been installed.

A HOLLOW BULB SHAPED SEALING PORTION

Claims 13-17, 42-50, 65-74 and 76 recite in part, "a hollow bulb shaped sealing portion." As seen in Figures 2-5 and 8-9, this configuration of the sealing portion defines a hollow bulb. In contrast, the '180 reference only discloses a finger type seal. It is believed the elongate finger 4 of the '180 reference is expressly set forth to be sized and to pivot about its upper end, thereby reducing wear during use. In contrast, the recited "hollow bulb shaped sealing portion" would locate a significantly greater amount of material in very area that the '180 reference seeks to reduce material so as to reduce wearing. That is, the seal 4 of the '180 reference must perform the sealing function in the door closed position (Figure 1), but must also travel across highest portion of the door sill 17 (Figure 3) each time the door is opened or closed.

A U-SHAPED FLANGE ENGAGING PORTION SIZED TO COOPERATIVELY ENGAGE THE PAIR OF SPACED PARALLEL FLANGE SURFACES

Claims 20-23 and 51-54 recite in part "a U-shaped flange engaging portion sized to cooperatively engage the pair of spaced parallel flange surfaces." The building door seal of the '180 reference does not disclose or suggest a U shaped flange engaging portion sized to cooperatively engage parallel flanges. The building door seal of the '180 reference does not include a U-shaped flange engaging portion. Further, it appears the profile of the bottom of the building door of the '180 reference would interfere with movement of the door relative to the sill.

The absence of at least these limitations precludes the '180 reference from sustaining a rejection under 35 U.S.C. §102.

Rejections under 35 U.S.C. §103***Claims 1, 3, 4, 5, 13, 16, 42, 44-46, 55, 57-59, 65 and 67-69***

Claims 1, 3, 4, 5, 13, 16, 42, 44-46, 55, 57-59, 65 and 67-69 stand rejected under 35 U.S.C. §103 over the German Patent Publication No. 198 41 180 (the '180 reference) in view of Laughman (US 5,783,312).

The examiner asserts it would have been obvious to provide the weatherseal of Laughman with at least one light emitting line as taught the '180 reference. [Paper 12, page 6]

The '180 reference, is a building door seal for sealing the bottom of a building door relative to a corresponding sill.

Laughman is directed to an expanded metal strip for reinforcing a *resilient* product wherein the metal strip includes two longitudinally extending splines to control elongation of the metal strip. While Laughman discloses a vehicular

weatherseal as a configuration of the resilient product, there is no suggestion to modify the resilient Laughman with a reference that discloses a rigid, solid aluminum body profile for a building door.

There are inherent distinctions between building door seals and vehicle seals. For example, building doors are almost invariably rectangular plates, which pivot about an exposed hinge relative to a circumscribing door frame and jamb. Thus, building doors employ a generally sliding seal aspect (as employed in the '180 reference). In fact, as seen in Figures 1-3 of the '180 reference, the seal 4 must pass through a restricted gap (between the portion 17 of the sill 3 and the door 2) every time the door is opened or closed. Yet the building door seal of the '180 reference must seal a greater gap than the seal is passed through each time the door opens or closes. The seal 4 (4') of the '180 reference is believed to be necessarily formed as a 'finger' seal. That is, the seal 4 (4') is constructed to allow the finger to accommodate the inclined surface of the sill 3.

In contrast, vehicle seals are not employed on planar regular shaped doors, but rather curvilinear profiles, which can rotate about hidden hinges. The vehicle seals are typically compression seals, and are often flange mounted.

Building door seals are not used in vehicles and vehicle seals are not used in buildings.

To sustain the rejection under 35 U.S.C. §103, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that is made by applicant. *In re Kotzab*, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000). Further, "defining the problem in terms of its solution reveals improper hindsight in the selection of prior art relevant to obviousness." *Ecolochem v. Southern California Edison Co.*, 56 USPQ2d 1065, 1073 (Fed. Cir. 2000)

Applicant respectfully submits the asserted modification of Laughman to include "at least one light emitting line as taught" by the '180 reference cannot sustain the asserted rejections under 35 U.S.C. §103.

Specifically, absent applicant's disclosure, there is no motivation or suggestion for selectively picking a light emitting line from a rigid building door seal for use in a vehicular weatherseal having a flexible body and at least one of (ii) an integral seal, (ii) a U-shaped flange engaging portion or (iii) a hollow bulb shaped sealing portion. That is, there is no basis for the selective picking and choosing of certain elements from the cited references.

The fact that the light emitting line illuminates is no more compelling or appropriate than selecting the use of aluminum from the '180 reference to form the

body of the present vehicle seal. There is no suggestion *from the references* to make the proposed combination.

Each of the present claims is directly drawn to a *vehicular* seal, wherein the vehicular weatherseal has a structure which is expressly contrary to the '180 reference.

There must be some reason why one of ordinary skill in the art would have been motivated *to select the references and to combine them to render the claimed invention obvious.*" *In re Lee*, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002) citing *In re Rouffet*, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

Applicant respectfully submits the motivation to combine the references comes from the present disclosure, and not the references. That is, the fact that the '180 reference illuminates a building door seal, does not (absent the present disclosure) motivate one to modify a resilient vehicle seal and select the reference.

With respect to the motivation to combine the references to render the present claims obvious, the selective picking and choosing of features does not support the asserted combination. "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1998)

The asserted combination does not accommodate the structural differences set forth in the amended claims. The fact that vehicle seals are known does not suggest combination with a specifically selected feature from a building door system.

Further, the building door and seal of the '180 reference are constructed such that the fiber optic cable 9 and the seal 4 pass over the threshold to be illuminated. In contrast, the structure of the present claims is operable in the compression sealing of vehicles.

In addition, the building door threshold of the '180 reference is typically a portion of the walkway. Building thresholds are constructed to permit a person to walk upright through the threshold, and as such would likely use the sill. That is, one is likely to step on the sill itself, therefore suggesting lighting. In contrast, one does not step on the sill of a vehicle threshold. That is, the driver (or passenger) places a first foot into the foot well within the vehicle, then bends at the waist and sits/slides in. This is because a person must bend over to enter or exit a car and the door is a smaller passageway than the person is.

That is, if Laughman is considered the primary reference, there is no suggestion of starting with the invention of a reinforcing member for controlling elongation of a *resilient* product and then selecting a rigid building door seal

structure. Absent the present disclosure there is no suggestion for selected application of portions of the cited references.

Therefore, applicant respectfully submits all the pending claims, Claims 1-9, 13-17, 20-23 and 42-76 are in condition for allowance, and such action is earnestly solicited.

If, however, Examiner Strimbu believes any further issues remain, he is cordially invited to call the undersigned so that such matters can be promptly resolved.

Respectfully Submitted,
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Dated: October 17, 2002

VERSION WITH MARKINGS SHOWING CHANGES MADEIn the Claims

1. (Fourthly Amended) A vehicular weatherseal for sealing a gap intermediate a first confronting surface and a second confronting surface[s], the first and the second confronting surfaces moveable between a spaced apart open position and an adjacent closed position, the vehicular weatherseal, comprising:

(a) an elongate polymeric body selected to attach to the first confronting surface, the polymeric body including a monolithic sealing portion adapted to be spaced from the second confronting surface in the spaced apart open position of the confronting surfaces and the sealing portion adapted to contact the second confronting surface in the adjacent closed position of the confronting surfaces[, the polymeric body including a seating channel extending along a longitudinal dimension of the polymeric body]; and

(b) a light generating line connected to the body and extending along a longitudinal dimension of the body [disposed in the seating channel] for generating and emitting light.

2. (Thrice Amended) The vehicular weatherseal of Claim 1, wherein the light generating line emits light.

3. (Twice Amended) The vehicular weatherseal of Claim 1, wherein the polymeric body includes a carrier portion.

4. (Once Amended) The vehicular weatherseal of Claim 3, wherein the carrier portion includes a reinforcing member.

5. (Once Amended) The vehicular weatherseal of Claim 4, wherein the reinforcing member is a metal or a thermoplastic.

6. (Once Amended) The vehicular weatherseal of Claim 1, wherein the light generating line is one of a fiber optic, a light emitting diode and an incandescent element.

7. (Once Amended) The vehicular weatherseal of Claim 6, wherein the fiber optic is one of a glass or a plastic.

8. (Once Amended) The vehicular weatherseal of Claim 1, wherein the light generating line includes a side-emitting fiber optic cable.

9. (Twice Amended) The vehicular weatherseal of Claim 1, wherein the polymeric body includes a trim portion.

Claim 10 (Previously cancelled).

Claim 11 (Previously cancelled).

Claim 12 (Previously cancelled).

13. (Once Amended) A vehicular weatherseal assembly comprising:

(a) a weatherseal body having a longitudinal dimension, and a hollow bulb shaped sealing portion; and

(b) a fiber optic light line connected to the body[, the fiber optic light line selected to emit] for emitting light along a portion of the longitudinal dimension.

14. (Twice Amended) The vehicular weatherseal assembly of Claim 13, wherein the body is polymeric and includes a carrier portion [and a sealing portion].

15. (Once Amended) The vehicular weatherseal assembly of Claim 14, wherein the carrier portion includes a seating channel sized to receive the light line.

16. (Once Amended) The vehicular weatherseal assembly of Claim 13, wherein the fiber optic light line includes a pair of fiber optics.

17. (Once Amended) The vehicular weatherseal assembly of Claim 13, wherein the fiber optic light line includes a side emitting fiber optic.

Claim 18 (Previously cancelled).

Claim 19 (Previously cancelled).

20. (Once Amended) An illuminating vehicular weatherseal assembly for engaging a vehicle flange, the flange including a pair of spaced parallel flange surfaces, the assembly comprising: [having]

(a) a weatherseal body having a U shaped flange engaging portion sized to cooperatively engage the pair of spaced parallel flange surfaces [cross sectional dimension] and;

(b) a light generating line extending along a longitudinal dimension of the weatherseal body[, the light generating line having a cross sectional area less than the

cross sectional area of the weatherseal body and selected to generate and emit] for generating and emitting light.

21. (Thrice Amended) The illuminating vehicular weatherseal of Claim 20, wherein the weatherseal body [includes a] is polymeric[body connected to the light generating line].

22. (Thrice Amended) The illuminating vehicular weatherseal of Claim 21, wherein the [polymeric] body includes a seating channel sized to receive the light generating line.

23. (Once Amended) The illuminating vehicular weatherseal of Claim 20, wherein the light generating line is one of a fiber optic, a light emitting diode and an incandescent element.

Claim 24 (Previously cancelled).

Claim 25 (Previously cancelled).

Claim 26 (Previously cancelled).

Claim 27 (Previously cancelled).

Claim 28 (Previously cancelled).

Claim 29 (Previously cancelled).

Claim 30 (Previously cancelled).

Claim 31 (Previously cancelled).

Claim 32 (Previously cancelled).

Claim 33 (Previously cancelled).

Claim 34 (Previously cancelled).

Claim 35 (Previously cancelled).

Claim 36 (Previously cancelled).

Claim 38 (Previously cancelled).

Claim 39 (Previously cancelled).

Claim 40 (Previously cancelled).

Claim 41 (Previously cancelled).

42. (Twice Amended) A vehicular weatherseal for sealing a gap intermediate a first confronting surface and a second confronting surface[s], the first and the second confronting surfaces moveable between a spaced apart open position and an adjacent closed position, the vehicular weatherseal, comprising:

(a) an elongate polymeric body selected to attach to the first confronting surface, the polymeric body including a hollow bulb shaped sealing portion adapted to be spaced from the second confronting surface in the spaced apart open position of the confronting surfaces and the sealing portion adapted to contact the second confronting surface in the adjacent closed position of the confronting surfaces[, the polymeric body including a seating channel extending along a longitudinal dimension of the polymeric body]; and

(b) a light transmitting line connected to the body and extending along a longitudinal dimension of the body for [disposed in the seating channel, the light transmitting line] transmitting light along a length of the light transmitting line.

43. (Twice Amended) The vehicular weatherseal of Claim 42, wherein the light transmitting line emits light.

44. (Twice Amended) The vehicular weatherseal of Claim 42, wherein the polymeric body includes a carrier portion.

45. (Once Amended) The vehicular weatherseal of Claim 44, wherein the carrier portion includes a reinforcing member.

46. (Once Amended) The vehicular weatherseal of Claim 45, wherein the reinforcing member is a metal or a thermoplastic.

47. (Once Amended) The vehicular weatherseal of Claim 42, further comprising at least one of a fiber optic, a light emitting diode and an incandescent element.

48. (Once Amended) The vehicular weatherseal of Claim 47, wherein the fiber optic is one of a glass or a plastic.

49. (Once Amended) The vehicular weatherseal of Claim 42, wherein the light transmitting line is a side-emitting fiber optic cable.

50. (Twice Amended) The vehicular weatherseal of Claim 42, wherein the polymeric body includes a trim portion.

51. (Once Amended) A vehicular weatherseal assembly for engaging a vehicle flange, the flange including a pair of spaced parallel flange surfaces, the assembly comprising: [having]

(a) a weatherseal body having a U shaped flange engaging portion sized to cooperatively engage the pair of spaced parallel flange surfaces [cross sectional dimension] and;

(b) a light transmitting line extending along a longitudinal dimension of the weatherseal body[, the light transmitting line having a cross sectional area less than the cross sectional area of the weatherseal body and selected to transmit] for transmitting light.

52. (Twice Amended) The [illuminating] vehicular weatherseal of Claim 51 wherein the weatherseal body includes a polymeric body connected to the light transmitting line.

53. (Twice Amended) The [illuminating] vehicular weatherseal of Claim 52, wherein the polymeric body includes a seating channel sized to receive the light transmitting line.

54. (Once Amended) The [illuminating] vehicular weatherseal of Claim 51, further comprising one of a fiber optic, a light emitting diode and an incandescent element.

55. (Once Amended) A vehicular weatherseal for sealing a gap intermediate a first and a second confronting surface, the first and second confronting surfaces moveable between a spaced apart open position and an adjacent closed position, the vehicular weatherseal[,] comprising:

(a) an elongate polymeric body selected to attach to the first confronting surface, the polymeric body including a monolithic sealing portion adapted to be spaced from the second confronting surface in the spaced apart open position of the confronting surfaces and the sealing portion adapted to contact the second confronting surface in the adjacent closed position of the confronting surfaces; and

(b) a light transmitting line connected to the polymeric body, the light transmitting line transmitting light along a length of the light transmitting line.

56. (Once Amended) The vehicular weatherseal of Claim 55, wherein the light transmitting line emits light.

57. (Once Amended) The vehicular weatherseal of Claim 55, wherein the polymeric body includes a carrier portion.

58. (Once Amended) The vehicular weatherseal of Claim 57, wherein the carrier portion includes a reinforcing member.

59. (Once Amended) The vehicular weatherseal of Claim 58, wherein the reinforcing member is a metal or a thermoplastic.

60. (Once Amended) The vehicular weatherseal of Claim 55, further comprising at least one of a fiber optic, a light emitting diode and an incandescent element.

61. (Once Amended) The vehicular weatherseal of Claim 60, wherein the fiber optic is one of a glass or a plastic.

62. (Once Amended) The vehicular weatherseal of Claim 55, wherein the light transmitting line is a side-emitting fiber optic cable.

63. (Once Amended) The vehicular weatherseal of Claim 55, wherein the polymeric body includes a trim portion.

64. (Once Amended) The vehicular weatherseal of Claim 55, wherein the light transmitting line extends along less than an entire length of the polymeric body.

65. (Once Amended) A vehicular weatherseal for sealing a gap intermediate a first and a second confronting surface[s], the first and second confronting surfaces moveable between a spaced apart open position and an adjacent closed position, the weatherseal, comprising:

(a) an elongate polymeric body selected to attach to the first confronting surface, the polymeric body including a hollow bulb shaped sealing portion adapted to be spaced from the second confronting surface in the spaced apart open position of the confronting surfaces and the sealing portion adapted to contact the second confronting surface in the adjacent closed position of the confronting surfaces; and

(b) a light generating line connected to a length of the polymeric body for generating and emitting light.

66. (Once Amended) The vehicular weatherseal of Claim 65, wherein the light generating line emits light.

67. (Once Amended) The vehicular weatherseal of Claim 65, wherein the polymeric body includes a carrier portion.

68. (Once Amended) The vehicular weatherseal of Claim 67, wherein the carrier portion includes a reinforcing member.

69. (Once Amended) The vehicular weatherseal of Claim 68, wherein the reinforcing member is a metal or a thermoplastic.

70. (Once Amended) The vehicular weatherseal of Claim 65, wherein the light generating line is one of a fiber optic, a light emitting diode and an incandescent element.

71. (Once Amended) The vehicular weatherseal of Claim 70, wherein the fiber optic is one of a glass or a plastic.

72. (Once Amended) The vehicular weatherseal of Claim 70, wherein the light generating line includes a side-emitting fiber optic cable.

73. (Once Amended) The vehicular weatherseal of Claim 65, wherein the polymeric body includes a trim portion.

74. (Once Amended) The vehicular weatherseal of Claims 1, 42, 55 or 65, wherein the polymeric body includes at least one of a plastic, thermoplastic, thermosetting, thermoplastic elastomer, ethylene-propylene-diene-monomer, ethylene vinyl acetate, polyvinyl chloride, and polypropylene.

75. (Once Amended) The vehicular weatherseal of Claims 1 or 3, wherein the light generating line extends along less than an entire length of the polymeric body.

76. (Once Amended) The vehicular weatherseal of Claims 42 or 65, wherein the light transmitting line extends along less than an entire length of the polymeric body.